

Chapter 8.14

EARLY CHILDHOOD PROGRAMS

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8.14.010 Definitions.

For the purpose of this chapter the following words shall have the following meanings:

Person shall include the plural thereof, and shall mean any individual, group, society, association, partnership, or corporation.

Early childhood program shall mean the provision of services in lieu of parental supervision for children under twelve years of age for compensation either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and shall include any employer-sponsored day care, day care home, day care center, before- and after-school day care program, or preschool or nursery school, but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than day care or preschool or nursery schools, a preschool program conducted in a school approved pursuant to Neb. Rev. Stat. § 79-328, or child care as defined in Neb. Rev. Stat. § 71-1901.

Director shall mean the duly appointed acting and qualified Health Director of the City-County Health Department or assistants or inspectors duly appointed by the Director. (Ord. 15554 §1; May 14, 1990; P.C. §5.45.010; Ord. 13962 §1; September 17, 1984).

8.14.020 License and Certificate Required.

It shall be unlawful for any person to furnish or offer to furnish an early childhood program for four or more children from different families without having in full force and effect a written license issued by the Nebraska Department of Social Services and a certificate of compliance issued by the Director that the early childhood program conforms to the City of Lincoln physical well-being and safety standards. (Ord. 15554 §2; May 14, 1990; P.C. §5.45.020; Ord. 13962 §2; September 17, 1984).

8.14.030 Application for Certificate of Compliance; Contents.

Application for a certificate of compliance of an early childhood program with the city's physical well-being and safety standards shall be made to the Director in writing upon forms provided for that purpose by the city. Such application shall contain the following information, in addition to such other information as the City Council may desire, to wit:

- (a) Name of the applicant and residence;
- (b) Location of licensed premises;
- (c) Complete description of premises; type and construction, size of building and other facilities;
- (d) Name of manager or person to be in direct charge;
- (e) Number of persons to be employed in conduct of such facility;
- (f) Maximum number of children to be accommodated in such facility. (Ord. 15554 §3; May 14, 1990: P.C. §5.45.030: Ord. 13962 §3; September 17, 1984).

8.14.040 Issuance of Certificate; Conditions.

Before a certificate of compliance for any early childhood program is issued, the Director shall investigate the application and determine whether or not said premises and the person to operate same conform to all the requirements of this chapter, the rules and regulations adopted hereunder, all ordinances of the City of Lincoln, and the laws of the State of Nebraska. No certificate shall be issued by the Director until and unless such application shall have been on file at least seven days.

Before the issuance of any such certificate, the Director shall:

- (a) Procure from the applicant or the person to be in charge of such early childhood program a health information report upon a form furnished by the city indicating that such person has no physical condition which will adversely affect the individual's ability to care for and be in contact with children. The Director shall not issue a certificate unless the Director shall find that such person has no physical condition which will adversely affect the individual's ability to care for and be in contact with children.
- (b) Obtain from the Chief of Police written approval of such person as manager or operator as to their police record and reputation.
- (c) Obtain from the Bureau of Fire Prevention written approval of the premises upon which such early childhood program is to be conducted.
- (d) Ascertain whether or not proper facilities are provided for the care of the children proposed to be cared for at such early childhood program and whether or not the location of said premises is proper and suitable for the conduct of such program. (Ord. 15554 §4; May 14, 1990: P.C. §5.45.040: Ord. 13962 §4; September 17, 1984).

8.14.050 Violations; Charges to be Brought.

The Director shall report any violation of this chapter or the rules and regulations adopted hereunder to the Director of the Nebraska Department of Social Services who may cause a written charge to be brought pursuant to state law. (Ord. 15554 §5; May 14, 1990: P.C. §5.45.050: Ord. 13962 §5; September 17, 1984).

8.14.060 Term of Certificate; Nontransferable.

All certificates granted under this chapter shall continue to expire on the expiration date of the license issued by the Nebraska Department of Social Services for the furnishing of an early childhood program. No certificate shall be assignable or transferable as to licensee. Certificates may be transferred to new locations upon application, inspection, and approval as provided by this chapter for the original certified premises. (Ord. 15554 §6; May 14, 1990: P.C. §5.45.060: Ord. 13962 §6; September 17, 1984).

8.14.070 License to be Posted.

It shall be unlawful for any person to operate and maintain any such home unless there be at all times posted in a conspicuous place at such home the license and certificate issued therefor in accordance with the provisions of this chapter. (Ord. 15554 §7; May 14, 1990: P.C. §5.45.070: Ord. 13962 §7; September 17, 1984).

8.14.080 Licensee and Employees; Certificate Required.

It shall be unlawful for any licensee to operate or to employ any person in the operation of any such early childhood program until and unless such person shall have furnished to the Director a health information report upon a form furnished by the city indicating that such person has no physical condition which will adversely affect the individual's ability to care for or be in contact with children. Every such operator or person employed in the operation of any such home shall furnish such report once each year, and at such other times as the Director may require. If any such person is found by the Director to not have the ability to care for and be in contact with children, such person shall not be employed in connection with such program. Any person who shall refuse to furnish such information report shall not be employed in connection with such program. (Ord. 15554 §8; May 14, 1990: P.C. §5.45.080: Ord. 13962 §8; September 17, 1984).

8.14.090 Operation of Program; Rules and Regulations.

The Director shall adopt and promulgate rules and regulations establishing standards for the physical well-being, safety, and protection of children as deemed necessary for the furnishing of early childhood programs; provided, such rules and regulations are consistent with the rules and regulations adopted by the Nebraska Department of Social Services. (Ord. 15554 §9; May 14, 1990: P.C. §5.45.090: Ord. 13962 §9; September 17, 1984).

8.14.100 Entry for Inspection.

The Director shall have the right and is hereby empowered to enter upon the premises used for any such early childhood program to inspect the same and all accommodations and facilities connected therewith. (Ord. 15554 §10; May 14, 1990: P.C. §5.45.100: Ord. 13962 §10; September 17, 1984).